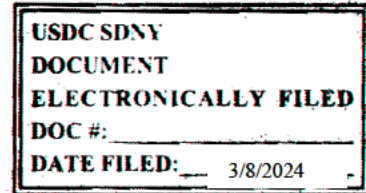


**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**



-----X  
**KEVIN DE LA CRUZ, et al.,**

**Plaintiffs,**

**22-CV-03053 (SN)**

**-against-**

**ORDER**

**MDBH MOBILE 3 INC., et al.,**

**Defendants.**  
-----X

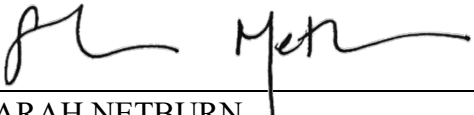
**SARAH NETBURN, United States Magistrate Judge:**

The Court scheduled oral argument on the parties' cross-motions for summary judgment for February 9, 2024. Defense counsel, Kevin Johnson, failed to appear, and the Court adjourned the conference to February 26, 2024. After being unable to reach Mr. Johnson in the weeks following his non-appearance, the Court ordered him to show cause why he should not be sanctioned for his failure to comply with the Court's February 1, 2024 Order (scheduling the February 9 conference), under Federal Rule of Civil Procedure 16(f)(1), and for unreasonably multiplying the proceedings of the Court, under 28 U.S.C. § 1927. ECF No. 76. On February 26, 2024, Mr. Johnson appeared at the rescheduled hearing and requested to have until Friday, March 1, 2024, to respond to the Court's Order to Show Cause. The Court granted Mr. Johnson's request, but to date, he has not filed any response.

The Court has serious concerns about whether Mr. Johnson can remain a lawyer in good standing in the Southern District of New York. In addition to addressing the issues raised in the Court's previous Order to Show Cause, by March 13, 2024, Mr. Johnson shall also show cause why sanctions should not be imposed requiring that he pay Plaintiffs' counsel for one hour at

counsel's prevailing market rates for missing the February 9, 2024 conference, and why he should not be ordered to immediately complete an in-person ethics CLE program related to firm administration and/or legal practice management.

**SO ORDERED.**



---

SARAH NETBURN  
United States Magistrate Judge

DATED: March 8, 2024  
New York, New York